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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,086	07/03/2003	Hideya Takeo	Q75903	5847
23373	7590	08/11/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MEKY, MOUSTAFA M	
		ART UNIT		PAPER NUMBER
				2157

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/612,086	TAKEO ET AL.
Examiner	Art Unit	
Moustafa M. Meky	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on the amendment filed 5/5/2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 10-26 is/are pending in the application.  
4a) Of the above claim(s) 21-26 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 10,11,13-16,18 and 19 is/are rejected.  
7)  Claim(s) 12,17 and 20 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

1. The amendment filed 5/5/2005 has been received and entered by the examiner.
2. Newly submitted claim 21-26 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claims 10-14 and the new claims 15-20 deal with a system in which image data is transferred to a terminal based on content information regarding image data, however, the newly claims 21-26 deal with a system in which image data is transferred to a terminal based on one of identification of a user requesting the image, a role of the user, and a purpose of diagnosis. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-26 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Claims 10-20 are presenting for examination.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10-11, 13-15 & 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunt (US Pat. No. 5,764,235).

6. As to claim 10, Hunt shows in Figs 1A & 1B, an image data transmission system comprising:

\* an image server (102) storing image data , see col 2, lines 35-37, col 3, lines 17-18, col 4, lines 63-67, col 5, lines 1-2;  
a terminal (104) coupled to the image server 102, see col 5, lines 2-3;  
an image obtaining module (not shown in the Figs) within the client 104, configured to obtain content information (image control data) regarding image data to be transmitted, see col 2, lines 37-43, col 3, lines 3-4, lines 14-17, col 5, lines 20-29, col 12, lines 44-51; and  
a data transfer module (not shown in the Figs) within the server 102 configured to transfer to the terminal 104 the image data at a level of resolution and density based on the content information (image control data), see col 2, lines 37-43, col 3, lines 4-10, lines 17-22.

7. As to claims 11 & 18, Hunt shows that the content information (image control data ) comprises the complexity of the image , such that image data at a higher resolution and density are transferred, see col 3, lines 52-55, lines 58-60.

8. As to claim 13, Hunt shows that image data are stored at a high level of resolution and density and if the system determines based on at least one of the content information (image control data) that image data at a lower level of resolution and density are to be transferred, then image data are converted prior to transfer to the terminal 104, see col 2, lines 35-42 (notice that the image data being stored on the server and having image size that is equal or more than the requested image i.e the image data are stored at a high level of resolution and the requested data of lower or equal resolution).

9. As to claim 14, Hunt shows that image data are stored at a high level of resolution and density and if the system determines based on at least one of the content information (image control data) that image data at a lower level of resolution and density are to be transferred, then image data are converted prior to transfer to the terminal 104, see col 2, lines 35-42 (notice that the image data being stored on the server and having image size that is equal or more than the requested image i.e the image data are stored at a high level of resolution and the requested data of lower or equal resolution).

10. As to claim 15, the image data is stored at the server 102 as wavelet-transformed data, see col 3, lines 26-29.

Therefore, it can be seen from paragraphs 6-10 that Hunt anticipates claims 10-11, 13-15 & 18.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 16 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt.

13. As to claims 16, Hunt shows in Figs 1A & 1B, an image data transmission system as been discussed in paragraph 6 above. Hunt was silent about what kind of images is been used

(claim 16) and the content information is radiation dosage information (claim 19). However, the system of Hunt is not limited to specific kinds of images. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Hunt to include medical inputs for providing the image data and (therefore the content information could include radiation dosage information) in order to enable the system of Hunt to be used in the medical environment.

Therefore, it can be seen from paragraph 13 that the modified system of Hunt teaches the limitations of claims 16 & 19.

14. Claims 12, 17, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14A. The prior art of record does not teach:

- \* The content information comprises the object depicted by the image data in which certain predetermined objects are transferred at a higher resolution and density (claim 12);
- \* The content information is obtained from one of two portions depicted by the image data (claim 17); and
  - The content information is obtained from at least one of predetermined objects depicted by the image data (claim 20).

15. The applicant argues in his remarks that the system of Hunt does not disclose the information obtaining module.

15A. In response to the above argument, the applicant's response supports the existence of the module within the client as been disclosed by the examiner (the applicant admits that the client send the client image control data to the server) i.e the client must have a module and/or logic circuit to obtain the client image control data (content information) to be transmitted from the client to the server.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM

8/7/2005



MOUSTAFA M. MEKY  
PRIMARY EXAMINER